

Remarks

In the present response, twelve claims (1-4, 8-10, 17-19, 25, and 26) are amended. Applicant believes no new matter is entered.

I. Claims Rejection (Claims 8, 9, 10) – 35 USC § 112

Claims 8, 9, and 10 are rejected under 35 USC § 112, second paragraph, as being indefinite. The limitations of these claims are deleted and replaced with new limitations that comply with § 112.

II. Claims Rejection (Claims 1-13, 16-21, 24-29 and 32) – 35 USC § 103

Claims 1-13, 16-21, 24-29 and 32 are rejected under 35 USC § 103(a) as being unpatentable over “Surfing to Spark Market for Surplus Supplies,” Susan E. Fisher (hereafter “Surplus”) in view of Woolston (USPN 6,266,651).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Applicants assert that the rejection does not satisfy these criteria.

Independent Claim 1

Applicant respectfully submits that the cited art does not teach or suggest each and every limitation of amended claim 1. Claim 1 as amended recites (with emphasis added):

A method for reverse logistics, comprising:

offering a right to market used goods, owned by an actual seller, for sale over an internet exchange portal, wherein the right to market the used goods is simultaneously provided to a plurality of different virtual sellers over the internet exchange portal;

selecting at least one of the virtual sellers:

selling the right to market the used goods to the at least one of the virtual sellers;
marketing the used goods over the portal under direction of the at least one virtual seller;

identifying an actual buyer; and

selling the used goods to the actual buyer.

Surplus teaches a business-to-business Web service to sell excess inventory and used assets over the internet (see page 1, Abstract). Woolston is generally directed to a market system with a data repository for storing information relating to an inventory of items (see Abstract). These references, alone or in combination, fail to teach or suggest at least the recitations emphasized in claim 1. For example, the references do not teach or suggest offering a right to market used goods, “wherein the right to market the used goods is simultaneously provided to a plurality of different virtual sellers over the internet exchange portal.”

Claims 2-16 depend from independent claim 1 and, hence, inherit all limitations of the base claim. Accordingly, a prima facie case of obviousness has not been established for claims 2-16.

Independent Claim 17

Applicant respectfully submits that the cited art does not teach or suggest each and every limitation of amended claim 17. Claim 17 as amended recites (with emphasis added):

A computer-usable medium embodying computer program code for commanding a computer to perform reverse logistics, comprising:

offering used goods, owned by an actual seller, for sale over an internet exchange portal;

selling a right to market the used goods to a virtual seller, **wherein the virtual seller is a manufacturer of new goods and the actual seller is a strategic account customer of the manufacturer;**

marketing the used goods over the portal under direction of the virtual seller;
identifying an actual buyer; and
selling the used goods to the actual buyer.

Independent claim 17 is amended to incorporate the limitations of claim 18. In the first Office Action, claim 18 was rejected as being taught by Surplus. Applicant respectfully requests the Examiner to cite a specific location in Surplus or Woolston that teaches or suggests this limitation.

Independent claim 17 recites numerous limitations not shown or suggested in Surplus and Woolston. By way of example, claim 17 recites selling a right to market used goods owned by an actual seller to a virtual seller. The “virtual seller is a manufacturer of new goods and the actual seller is a strategic account customer of the manufacturer.” Surplus and Woolston, alone or in combination, do not teach these recitations.

Claims 18-24 depend from independent claim 17 and, hence, inherit all limitations of the base claim. Accordingly, a prima facie case of obviousness has not been established for claims 18-24.

Independent Claim 25

For at least the reasons given in connection with claim 1, Surplus and Woolston, alone or in combination, do not teach or suggest the limitations of independent claim 25.

Claims 26-32 depend from independent claim 25 and, hence, inherit all limitations of the base claim. Accordingly, a prima facie case of obviousness has not been established for claims 26-32.

III. Claims Rejection (Claims 14, 22, and 30) – 35 USC § 103

Claims 14, 22, and 30 are rejected under 35 USC § 103(a) as being unpatentable over Surplus and Woolston in view of Shkedy (USPN 6,260,024).

Dependent claims 14, 22, and 30 directly or indirectly depend from independent claims 1, 17, and 25, respectively. As discussed above, these independent claims are patentable over Surplus and Woolston. Shkedy fails to cure the deficiencies of Surplus

and Woolston in view of the limitations of independent claims 1, 17, and 25. As such, dependent claims 14, 22, and 30 are also allowable.

IV. Claims Rejection (Claims 15, 23, and 31) – 35 USC § 103

Claims 15, 23, and 31 are rejected under 35 USC § 103(a) as being unpatentable over Surplus and Woolston in view of Pallakoff (USPN 6,269,343).

Dependent claims 15, 23, and 31 directly or indirectly depend from independent claims 1, 17, and 25, respectively. As discussed above, these independent claims are patentable over Surplus and Woolston. Pallakoff fails to cure the deficiencies of Surplus and Woolston in view of the limitations of independent claims 1, 17, and 25. As such, dependent claims 15, 23, and 31 are also allowable.


CONCLUSION

In view of the above, Applicant believes claims 1-32 are in condition for allowance. Allowance of these claims is respectfully requested.

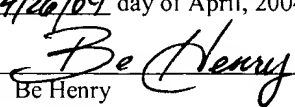
Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. (281) 514-8236, Facsimile No. (281) 514-8332. In addition, all correspondence should continue to be directed to the following address:

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 4/26/04 day of April, 2004.

By 
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